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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA (DMR)

Plaintiff,

**SECOND STIPULATION AND
[PROPOSED] ORDER REGARDING
TRIAL PROCEDURES**

v.

GOOGLE INC.

Defendant.

Judge: Honorable William H. Alsup

STIPULATION

WHEREAS, the parties have continued to meet and confer in advance of trial and have reached agreement regarding certain additional trial procedures; and

WHEREAS, these agreements are in accordance with the Court's March 5, 2012 Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases Before the Honorable William Alsup ("Trial Guidelines");

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

8 1. Consistent with Paragraph 20 of the Trial Guidelines, each party shall serve
9 deposition designations by 5:00 pm five days before they are to be used at trial. Each party shall
10 serve counter-designations and objections by 5:00 pm two days after the deposition designations
11 have been served. The final packet required by Paragraph 20 of the Trial Guidelines shall be
12 submitted to the Court by 8:00 am the day after the counter-designations and objections have
13 been served, two days before they are to be used at trial.

14 2. Witnesses who have been subpoenaed by the parties to appear on April 16, 2012,
15 need not appear in court until the day they have been noticed to testify by the other party,
16 pursuant to Paragraph 11 of the Trial Guidelines.

17 3. Google and its witnesses will not submit evidence or argument at trial referencing
18 the fact that Oracle withdrew patents previously asserted in this case, unless the Court first
19 determines that Oracle has opened the door to such evidence.

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: April 13, 2012.

Honorable William Alsup
Judge of the United States District Court

1 Dated: April 12, 2012

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1 Dated: April 12, 2012

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ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Extend Due Date for Fed. R. Civ. P. 26(a)(3) Disclosures. In compliance with General Order 45, X.B., I hereby attest that Matthias Kamber has concurred in this filing.

Date: April 12, 2012

/s/ Daniel P. Muino

DANIEL P. MUINO